

Message Text

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ACTION SCS-03

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TO SECSTATE WASHDC NIACT IMMEDIATE 7210

INFO ALL US CONSULATES IN MEXICO VIA POUCH

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TAGS: CASC, MX

SUBJECT: STATUS REPORT ON PRISONER PROBLEM

REF: MEXICO 8285

1. THE FOLLOWING UPDATES THE SUMMARY STATUS REPORT IN MEXICO 8285 FOR THE DEPARTMENT'S BACKGROUND USE IN DISCUSSING THE PROPOSED HUNGER STRIKE BY PRISONERS. THE PERIOD COVERED IS JUNE 25 TO AUGUST 31.

2. NOTIFICATION AND ACCESS: OF 14 NEW ARRESTS DURING THE REPORTING PERIOD, THE EMBASSY WAS NOTIFIED BY AUTHORITIES IN ONLY ONE CASE FOUR ARRESTS FOR VIOLATION OF IMMIGRATION REGULATIONS CAME TO THE EMBASSY'S ATTENTION ONLY WHEN THE VIOLATORS WERE BROUGHT TO MEXICO CITY FOR DEPORTATION AFTER HAVING BEEN DETAINED FOR PERIODS OF UP TO THREE WEEKS. THREE ARRESTS WERE BY FEDERAL JUDICIAL POLICE. REMAINING ARRESTS WERE BY LOCAL AUTHORITIES WHO PERMITTED ARRESTEES TO CALL THE EMBASSY. THERE WERE NO CASES OF DENIAL OF CONSULAR ACCESS. DURING CALL ON DEPUTY ATTORNEY GENERAL ALBA LEYVA JULY 28, EMBASSY OFFICERS WERE INFORMED THAT EVERY CASE OF FAILURE TO NOTIFY CONSULAR OFFICER WHICH EMBASSY BRINGS TO ATTENTION OF PROCURADURIA GENERAL IS NOW BEING INVESTIGATED BY THAT OFFICE(MEXICO 9689). HOWEVER, DESPITE APPARENT EFFORTS BY ATTORNEY GENERAL'S OFFICE TO CO-OPERATE ON THIS IMPORTANT ASPECT OF THE PRISONER PROBLEM, THERE STILL

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REMAIN MANY LOOPHOLES WITHIN THE SYSTEM WHICH PROBABLY WILL

CONTINUE TO PREVENT TIMELY NOTIFICATION AND CONSULAR ACCESS BEFORE THE
COMPLETION OF THE INITIAL INTERROGATION.

3. MISTREATMENT: (A) AT TIME OF ARREST: OF THE 14 ARRESTS IN THE EMBASSY'S CONSULAR DISTRICT SINCE JUNE 25, ONLY 2 CLAIMED PHYSICAL ABUSE. IN BOTH CASES, THE CONSULAR OFFICER CONFIRMED PHYSICAL EVIDENCE OF ABUSE. ONE OF THE CASES, HOWEVER, INVOLVED A "STRESS" SITUATION IN WHICH THE PRISONER HAD STRUCK A JUDGE OVER THE HEAD WITH A TELEPHONE. (B) IN PRISON: THE EMBASSY HAS RECEIVED REPORTS OF FOUR INSTANCES OF MISTREATMENT OF AMERICAN PRISONERS BY PRISON PERSONNEL SINCE JUNE 25. TWO INSTANCES INVOLVED THE BEATING INFLECTED UPON TWO PRISONERS WHO ATTEMPTED TO ESCAPE FROM LECUMBERRI DURING THE FINAL DAYS OF OPERATION. (THE EMBASSY RECEIVED AN APOLOGY FROM DR. GARCIA RAMIREZ FOR THE INCIDENT, AND NOTED WITH INTEREST THAT TWO AMERICANS WHO ATTEMPTED TO ESCAPE FROM LECUMBERRI THE FOLLOWING WEEK WERE UNHARMED. IN A THIRD ESCAPE ATTEMPT FROM ACAPULCO AUGUST 30, THE PRISONERS CLAIMED NO MISTREATMENT.) A THIRD INSTANCE OF ABUSE INVOLVED A MENTALLY-CONFUSED AMERICAN DETAINED IN ACAPULCO WHO WAS BEATEN AND TORMENTED BY PRISON GUARDS. THE FOURTH CASE INVOLVED AN AMERICAN WOMAN PRISONER AT LOS REYES WHO WAS CAUGHT WITH MARIJUANA, AND WAS THEN BEATEN, SUBDUED, AND SUBJECTED TO A ROUGH INTERNAL SEARCH BY MALE POLICE AGENTS CALLED IN BY THE WOMEN PRISON GUARDS. THIS INCIDENT, WHICH OCCURRED IN THE ABSENCE OF THE DIRECTORA OF THE PRISON, APPEARS TO BE AN ABERRATION IN AN OTHERWISE REASONABLY WELL-RUN PRISON. (FULL REPORT SEPTEL).

4. PRISON CONDITIONS: PRISON REFORM WITHIN THE DISTRITO FEDERAL, WHICH BEGAN IN MAY WITH THE APPOINTMENT OF DR. SERGIO GARCIA RAMIREZ AS ACTING DIRECTOR OF LECUMBERRI, HAS CONTINUED APACE. GARCIA RAMIREZ, AS CHAIRMAN OF THE COMMISSION ON PRISONS FOR THE DF AND UNDERSECRETARY OF GOBERNACION, CONTINUES TO BE THE MOVING FORCE BEHIND THE REFORM. HE IS INVARIABLY RESPONSIVE TO THE EMBASSY'S REQUESTS FOR ASSISTANCE WITH GENERAL AND INDIVIDUAL PROBLEMS CONCERNING AMERICAN PRISONERS, AND HAS SET IN MOTION A NUMBER OF PROJECTS FOR THEIR BENEFIT. MOST IMPORTANT AMONG THERE ARE HIS EFFORTS TO ASSIST THE FORMER INMATES OF LECUMBERRI TO OBTAIN FULL CREDIT FOR WORK PERFORMED THERE, DESPITE THE LACK OF OFFICIAL RECORDS TO SUPPORT THEIR CLAIMS, AND HIS EFFORTS TO PROD THE OFFICE LIMITED OFFICIAL USE

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OF THE PUBLIC DEFENDER TO PROVIDE ADEQUATE DEFENSE FOR THE AMERICAN PRISONERS. LECUMBERRI HOLDING JAIL WAS OFFICIALLY CLOSED AUGUST 27, AND THE PRISONERS FROM THERE TRANSFERRED EITHER TO SANTA MARTA PENITENTIARY OR TO ONE OF THE TWO NEW MODEL HOLDING JAILS, THE RECLUSORIOS DEL NORTE AND DEL ORIENTE. FACILITIES OF THE NEW PRISONS ARE OF A VERY HIGH ORDER, AND THE STAFF ARE PROFESSIONALLY TRAINED. THE FACILITIES ARE NOT YET FULLY OPERATIONAL, AND THE NEW STAFFS NOT YET WELL

ORGANIZED, BUT ONCE THE DIFFICULT SETTling-IN PERIOD IS OVER, THE AMERICAN PRISONERS SHOULD BE ESTABLISHED IN CONDITIONS WHICH, EXCEPT FOR PRISON DIET AND MEDICAL CARE, COMPARE FAVORABLY WITH WHAT THEY MIGHT EXPECT IN THE UNITED STATES. CONDITIONS AT LOS REYES WOMEN'S PRISON AND SANTA MARTA PENITENCIARY ARE NOW RELATIVELY DISADVANTAGEOUS, BUT THESE INSTITUTIONS ARE STILL MORE NEARLY ON A PAR WITH INSTITUTIONS IN THE UNITED STATES.

5. ATTORNEYS AND THE COURTS: ASIDE FROM MISTREATMENT AND VIOLATIONS OF RIGHTS DURING THE INITIAL INTERROGATION PERIOD, THE MOST SERIOUS PROBLEM AREA, AFFECTING VIRTUALLY ALL AMERICAN PRISONERS, APPEARS TO BE THE INADEQUACY OF THE LEGAL DEFENSE PROVIDED BY THEIR ATTORNEYS AND THE CURSORY HANDLING OF THEIR CASES IN MOST COURTS. ON THE ONE HAND, MOST OF THE ATTORNEYS WHO OFFER TO TAKE DRUG CASES ARE DISHONEST (THE DIRECTOR OF LOS REYES, A FORMER JUDGE, REFERRED TO THEM AS A "MAFIA" AMONG ATTORNEYS, AND CLAIMED THAT THEY THREATEN AND COERCE HONEST LAWYERS WHO ATTEMPT TO ACCEPT THIS TYPE OF CASE.) ON THE OTHER HAND, LAWYERS APPOINTED FROM THE PUBLIC DEFENDER'S OFFICE FREQUENTLY DO THE MINIMUM, AND IN SOME CASES NEVER EVEN INTERVIEW THEIR CLIENTS AT ALL. IN ADDITION, IN MANY CASES, EVEN WHEN THE PRISONERS APPEAR TO HAVE BEEN ADEQUATELY DEFENDED BY REASONABLY COMPETENT ATTORNEYS, THE COURT APPEARS TO GIVE ONLY THE MOST CURSORY REVIEW OF THE EVIDENCE. JUDGES RELY HEAVILY

UPON CONFESSIONS, EVEN WHEN EVIDENCE IS PRESENTED INDICATING THAT THESE WERE EXTRACTED BY TORTURE. CONVICTION, AND A HEAVY SENTENCE, APPEARS ALMOST AUTOMATIC IN DRUG CASES, ESPECIALLY IN THE DISTRITO FEDERAL. THE EMBASSY LEAGL ADVISER IS NOW WORKING CLOSELY WITH THE OFFICE OF THE PUBLIC DEFENDER, IN AN ATTEMPT TO IMPROVE THE SERVICES PROVIDED BY THAT OFFICE. IN ADDITION THE EMBASSY IS PREPARING A COUNTRY-WIDE STUDY ON SENTENCES HANDED DOWN IN VARIOUS COURTS, TO ESTABLISH WHETHER A PATTERN OF STIFFER SENTENCES FOR AMERICAN PRISONERS APPEARS TO EXIST IN SOME LIMITED OFFICIAL USE

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PARTS OF THE COUNTRY, OR IN CERTAIN COURTS. RESULTS OF THIS STUDY MAY PROVIDE BACKGROUND FOR DISCUSSIONS WITH MEIXCAN OFFICIALS ON THIS PROBLEM.

6. CONSULAR VISITATION: SINCE JUNE 25, EMBASSY CONSULAR OFFICERS HAVE MADE 26 VISITS TO FIVE PRISONS AND JAILS IN MEXICO CITY AND 12 VISITS TO PRISONS OUTSIDE THE CAPITAL. IN ADDITION, SPECIAL VISITS WERE MADE TO THE FOUR REMAINING PRISONS IN MEXICO CITY BY THE NEW CONSUL GENERAL IN HIS FIRST WEEK AT POST, AUGUST 30-SEPTEMBER 3. DESPITE THE IMPROVEMENT IN PRISON CONDITIONS HERE, CONOFFS STILL DEVOTE A LARGE PERCENTAGE OF THEIR TIME TO ASSISTING WITH MINOR PROBLEMS WITH PRISON ADMINISTRATION, HANDLING FUNDS SENT BY FAMILIES, GIVING OUT DONATED VITAMINS, OBTAINING ENGLISH-LANGUAGE BOOKS, ETC. A MAJOR PROBLEM AREA CONTINUES TO BE THE DIFFICULTY OF OBTAINING ADEQUATE MEDICAL CARE FOR PRISONERS, ESPECIALLY FOR THOSE OUTSIDE

MEXICO CITY.

7. ATTITUDE OF PRISONERS AND FAMILIES: RELATIONSHIP BETWEEN THE PRISONERS AND THE CONOFFS WHO VISIT THEM REGULARLY IS GENERALLY GOOD, ALTHOUGH EACH NEW CONSULAR OFFICER WHO VISITS A PRISON MUST UNDERGO THE NOW FAMILIAR "INITIATION" PERIOD, DURING WHICH HE IS EXPOSED TO A BARRAGE OF COMPLAINTS AGAINST THE EMBASSY DATING FROM 1973-1974, AND LESS NUMEROUS COMPLAINTS ABOUT WHAT HIS IMMEDIATE PREDECESSOR LEFT UNDONE. AS EMBASSY EFFORTS TO ASSIST THE PRISONERS INCREASE, SO DO THEIR DEMANDS UPON US, AND EMBASSY IS PERENNIALY A DAY

LATE AND A DOLLAR SHORT (AT LEAST) IN TERMS OF STAFFING AND RESOURCES TO MEET PRISONER DEMANDS.

IN THEIR CALMER MOMENTS, MOST OF THE INDIVIDUAL PRISONERS APPEAR GRATEFUL FOR THE ASSISTANCE PROVIDED BY THE EMBASSY, AND REALISTIC ENOUGH TO RECOGNIZE THAT THE EMBASSY DOES NOT HAVE THE POWER TO REFORM THE ENTIRE MEXICAN JUDICIAL SYSTEM. HOWEVER, THE RECENT MOVE FROM LECUMBERRI INTO THE NEW MODEL PRISONS, AND THE GRADUAL REALIZATION THAT THE PRISONER EXCHANGE PROPOSAL MAY NOT PROVIDE THE INSTANT SOLUTION TO THEIR PROBLEMS THAT THEY HAD ORIGINALLY HOPED, HAS HARDENED THE ATTITUDE OF MANY OF THE PRISONERS. THEY NOW JUDGE THAT, AT BEST, THE U.S. GOVERNMENT IS TRYING FOR AN ARRANGEMENT THAT WOULD REQUIRE THEM TO SERVE OUT IN AMERICAN PRISONS THE SEVERE SENTENCES IMPOSED UPON THEM AS A RESULT OF A JUDICIAL PROCESS IN WHICH THEIR HUMAN RIGHTS WERE IGNORED OR VIOLATED ON MAY COUNTS.

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